

CLARK COUNTY COURTS LANGUAGE ASSISTANCE PLAN (LAP)

I. LEGAL BASIS AND PURPOSE

This document serves as the plan for Clark County Courts to provide services to Limited English Proficient (LEP), deaf or hearing impaired individuals in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq.; 28 C.F.R. § 42 et seq.; and RCW 2.42 and 2.43. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP, deaf or hearing-impaired persons who come in contact with Clark County Courts.

This LAP Plan was developed to ensure equal access to court services for persons with limited English proficiency and deaf and hearing-impaired persons. Although deaf and hearing-impaired individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to RCW 2.42 and 2.43.

II. NEEDS ASSESSMENT

A. Statewide

Washington State provides court services to a wide range of persons, including people who do not speak English or who are deaf or hearing impaired. Service providers include the trial courts at the Superior, District and Municipal Court levels.

According to 2000 U.S. Census data, the most widely used languages for interpreters in Washington State were (in descending order of frequency):

1. Spanish
2. Russian
3. Vietnamese
4. Chinese

B. Clark County Courts

Clark County Courts will make every effort to provide service to all LEP, deaf and hearing-impaired persons. However, the following list shows the non-English languages that are most frequently used in the area.

- Spanish
- Russian
- German*
- Vietnamese
- Ukrainian
- French
- Chinese
- Romanian
- Tagalog
- Korean
- Japanese
- Serbo-Croatian
- Finnish
- Cambodian
- Hindi
- Laotian
- Arabic
- Polish
- Thai
- Samoan
- Persian

** While several resources show German being the 3rd most frequently spoken non-English language, our records going back through 2005 do not indicate any requests for German translation services.*

This information is based on the available data from the Modern Language Association (MLA), U.S. Census, and Superintendent of Public Instruction. Based on the fact that we are a part of the greater Portland, Oregon metropolitan area and our prior experience with translator requests, we could anticipate providing language assistance services in the above languages in descending order starting with Spanish.

In compiling this information on local language needs, the following individuals and groups were consulted: judges, courts administrative staff, attorneys, juvenile, corrections, jail administration, interpreters, YWCA Clark County, and Clark County Diversity Committee. The methods of consultation we employed include individual meetings, telephone discussions, and e-mails.

Clark County Courts have identified the following additional language assistance needs among court users in the area.

- Bosnian
- Urdu
- Chuukese
- Triqui
- Burmese
- Punjabi
- Portugese
- Haitian Creole
- Bulgarian
- Dutch

This information is based on services provided since 2005 and input from individuals and groups listed below. In compiling this information on local language needs, the following individuals and groups were consulted: judges, courts administrative staff, attorneys, juvenile, corrections, jail administration, interpreters, YWCA Clark County, and Clark County Diversity Committee. The methods of consultation we employed include individual meetings, telephone discussions, and e-mails.

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used In the Courtroom

The use of court interpreters (both sign language and non-English spoken language) is guided by two state statutes – RCW 2.42 and 2.43, respectively.

It is the policy/law of Washington State to secure the constitutional rights of deaf persons and of other persons who, because of impairment of hearing or speech, are unable to readily understand or communicate the spoken English language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them. See RCW 2.42. It is also the policy/law of Washington State to secure the rights, constitutional or otherwise, of persons who, because of a non-English speaking cultural background, are unable to readily understand or communicate in the English language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them. See RCW 2.43.

When a deaf or hearing impaired person is a party or witness at any stage of a judicial

or quasi judicial proceeding in the state or political subdivision, including but not limited to civil and criminal court proceedings, grand jury proceedings, proceedings before a magistrate, juvenile proceedings, adoption proceedings, mental health commitment proceedings and any proceeding in which a deaf or hearing impaired person may be subject to confinement or criminal sanction, the appointing authority shall appoint and pay for a qualified interpreter. See RCW 2.42.120(1). When a non English speaking person is a party to a legal proceeding or is subpoenaed or summoned by an appointing authority or is otherwise compelled by an appointing authority to appear at a legal proceeding, the appointing authority shall use the services of only those language interpreters who have been certified or registered by the Administrative Office of the Courts (AOC). See RCW 2.43.030(1)(b). If the current list of certified and registered interpreters maintained by AOC does not include an interpreter certified or registered in the language spoken by the non English speaking person, the appointing authority shall appoint a qualified interpreter as defined in RCW 2.43.020(2).

In addition, the Clark County Courts have established Spanish and Russian infractions dockets that make interpreters available all-day to Spanish and Russian LEP court customers. Interpreters are also routinely provided for Domestic Violence Protection Order dockets.

1. Determining the Need for an Interpreter in the Courtroom

There are various ways that the Clark County Courts will determine whether an LEP, deaf or hearing-impaired court customer needs an interpreter for a court hearing. First, the LEP, deaf or hearing-impaired person may request an interpreter. The Clark County Courts display signs provided by AOC translated into Washington State's six most frequently used languages that state: *"You may have the right to a court-appointed interpreter in a court case. Please ask someone at the court information desk."* The Clark County Courts display these signs in the lobbies, elevators, and common areas of the Clark County/Vancouver court buildings.

Second, court personnel and judges may determine that an interpreter is appropriate for a court hearing. Many people who need an interpreter will not request one because they do not realize that interpreters are available, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. Therefore, when it appears that an individual has any difficulty communicating, the court administrator or judge should err on the side of providing an interpreter to ensure full access to the courts.

Finally, outside agencies such as probation, attorneys, social workers, or correctional facilities may notify the court about an LEP, deaf or hearing-impaired individual's need for an interpreter for an upcoming court hearing. Interpreter needs for all courts in Clark County are handled by the District Court Interpreter Coordinator. Notifications and arrangements for interpreters should be made by calling (360) 397-6105 or sending e-mail to DistrictCourtInterpreterCoordinator@clark.wa.gov.

2. Court Interpreter Qualifications

The Clark County Courts hire interpreters for courtroom hearings in compliance with the rules and policies set forth in RCW 2.42 and 2.43 as well as General Rule 11.0; 11.1; 11.2; and 11.3. The Washington State Court Interpreter Program maintains a statewide roster of Certified and Registered interpreters who may work in the courts. This roster is available to court staff and the public at www.courts.wa.gov/programs&orgs. Certified and Registered interpreters on the roster have passed a written examination, oral examination, undergone a criminal background check, signed an oath and attended an orientation.

Washington State currently certifies the following languages: Arabic, Cantonese, Korean, Laotian, Mandarin, Russian, Somali, Spanish, and Vietnamese. Washington also offers testing in the Registered Category in the following languages: Afrikaans, Albanian, Amharic, Baluchi, Bengali, Bulgarian, Cebuano, Chavacano, Croatian, Czech, Dari, Dutch, Egyptian, Filipino, French, German, Haitian Creole, Hebrew, Hilgaynon, Hindi, Hmong, Ilonggo, Indonesian, Italian, Japanese, Javanese, Khmer, Malay, Norwegian, Pashto, Persian Farsi, Polish, Portuguese, Punjabi, Romanian, Serbian, Slovak, Swahili, Swedish, Tausug, Thai, Turkish, Urdu and Visayan.

The court may appoint non-certified and non-registered interpreters who are not listed on the statewide roster only when certified and registered interpreters are unavailable. Whenever non-certified and non-registered interpreters are used in the courtroom, judges are encouraged to inquire into the interpreter's skills, professional experience, and potential conflicts of interest.

The Clark County Courts may also use telephone interpreting only if no interpreters are available in person pursuant to General Rule 11.3. Bilingual staff who are not on the statewide roster are never used to interpret in court. However, they may assist in securing an interpreter if necessary.

B. Spoken Language Services outside The Courtroom

The Clark County Courts are also responsible for taking reasonable steps to ensure that LEP, deaf and hearing-impaired individuals have meaningful access to services outside the courtroom. This is one of the most challenging situations facing court staff, because in most situations they are charged with assisting LEP, deaf or hearing-impaired individuals without an interpreter. LEP, deaf or hearing-impaired individuals may come in contact with court personnel via the phone, TTY / TDD, counter or other means.

Provision of interpreters for LEP, deaf and hearing-impaired individuals using corrections or treatment services should be arranged whenever possible through District Court Interpreter Coordinator by calling the (360) 397-6105 or sending e-mail to DistrictCourtInterpreterCoordinator@clark.wa.gov. If interpreters are not available, the Clark County Courts have the following resources to help LEP, deaf or hearing-impaired individuals and court, corrections, and treatment staff communicate with each other:

- The Clark County Courts have bilingual employees in the following languages: Spanish, Russian, Ukrainian, Samoan, Filipino, Portuguese, and German. When LEP customers seek our assistance outside the courtroom, we first try to meet their needs by using the language skills of our employees.
- For face-to-face encounters, as well as telephone conversations, the Clark County Courts use the Language Line when interpreters are not immediately available.
- When court staff does not know what language a customer is speaking, they use "I Speak" cards which are available in thirty-eight languages available from the U.S. Department of Justice at: <http://www.lep.gov/ISpeakCards2004.pdf>.
- In order to meet simple immediate communicative needs, court staff may use free online translating services. This will help in translating an English statement into a foreign language in written form.

www.freetranslation.com Translation available between English and: Italian, Dutch, Portuguese, Russian, Spanish, and Chinese.

<http://translation2.paralink.com/> Translation available between English and: French, German, Portuguese, Russian, and Spanish.

<http://world.altavista.com/> Translation available between English and: Chinese, Dutch, French, German, Greek, Italian, Japanese, Korean, Russian, Portuguese, and Spanish.

http://www.worldlingo.com/en/products_services/worldlingo_translator.html

Translation available between English and all languages listed in Altavista above.

- For staff that has some knowledge of the Spanish language, they may consult the Spanish/English glossary developed by the North Carolina courts.
http://www.nccourts.org/Citizens/CPrograms/Foreign/Documents/Clerks_Manual.pdf

C. Translated Forms & Documents

The Administrative Office of the Courts understands the importance of translating forms and documents so that LEP individuals have greater access to the courts' services. The Clark County Courts currently have the following forms translated into commonly used languages:

- Statement of Plea (Misdemeanor) Criminal Court Form has been translated into Spanish language.
- Waiver of Attorney, Notice of Obligation to Appear, Diversion Agreement, Diversion Brochure, Responsibilities & Legal Rights, Personal Responsibility Commitment, Victim Impact Panel Brochure, Victim Offender Meetings Brochure, Victim Impact Class Brochure, and Community Service Timesheet forms and brochures have been translated into Spanish and Russian.

When interpreters are hired for hearings, they are expected to provide sight translations for corresponding documentation to LEP individuals, as well as for deaf or hearing-impaired individuals when necessary.

IV. TRAINING

Local courts are committed to providing training opportunities for all judicial and court staff members who come in contact with LEP, deaf or hearing-impaired individuals. Training opportunities specifically provided in the Clark County Courts include:

- Staff is instructed about LAP policies and procedures, as described in this LAP Plan, on an annual basis.
- Staff is provided with periodic updates and information from the Clark County's Diversity Advisory Committee on the growing diversity of the local community.
- Judicial officers and court staff is provided training by AOC to support implementation of the LAP plan.

V. PUBLIC NOTIFICATION AND EVALUATION OF LAP PLAN

A. LAP Plan Approval & Notification

Clark County Courts' LAP Plan has been approved by the District Court Administrator, and a copy has been forwarded to Washington State's Administrative Office of the Courts Interpreter Program Coordinator. Any revisions to the plan will be submitted to the Court Administrator for approval, and then forwarded to the Interpreter Program Coordinator. Copies of Clark County Courts' LAP plan will be provided upon request. In addition, Clark County Courts will post this plan on its District Court Interpreter Services and AOC's websites.

B. Annual Evaluation of the LAP Plan

The Clark County Courts will conduct an annual needs assessment to determine whether changes to the LAP plan are needed. This assessment may be done by tracking the number of interpreters requested by language in the courts, or by other methods.

Any revisions made to the Plan will be communicated to all court personnel, and an updated version of the plan will be posted on the District Court Interpreter Services web site. Additionally, it will be posted on the AOC's public website.

Each year the statewide AOC Court Interpreter Program Coordinator will coordinate with designated local court staff to review the effectiveness of the LAP Plan. The evaluation will include identification of any problem areas and development of required corrective action strategies. Elements of the evaluation will include:

- Number of LEP, deaf or hearing impaired persons requesting court interpreters in Washington State trial courts;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LAP policies and procedures and how to carry them out; and
- Gathering feedback from LEP, deaf and hearing-impaired communities around the state.

LAP Contact Person

State Contact:

Karina Pugachenok
AOC Interpreter Program
1206 Quince Street SE
PO Box 41170
Olympia, WA 98504-1170
karina.pugachenok@courts.wa.gov
(360) 705-5315 Direct Line
(360) 753-3365 Fax

Local Contact:

Ela Selga
District Court Administrator
1200 Franklin Street
PO Box 5000
Vancouver, WA 98660-5000
Ela.Selga@clark.wa.gov
(360) 397-2424 Ext. 4738 Direct Line
(360) 759-5014 Fax

The effective date of this LAP plan is September 1, 2007.